

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>7/14/08</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS CASUALTY AND SURETY COMPANY as
Administrator for RELIANCE INSURANCE
COMPANY,

Plaintiff,

-v-

DORMITORY AUTHORITY - STATE OF NEW YORK,
TDX CONSTRUCTION CORP. and KOHN PEDERSEN
FOX ASSOCIATES, P.C.,

Defendants.

-----X
DORMITORY AUTHORITY OF THE STATE OF NEW
YORK and TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

-v-

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

-----X
TRATAROS CONSTRUCTION, INC. and TRAVELERS
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

-v-

CAROLINA CASUALTY INSURANCE COMPANY;
BARTEC INDUSTRIES, INC.; DAYTON SUPERIOR
SPECIALTY CHEMICAL CORP. a/k/a DAYTON
SUPERIOR CORPORATION; SPECIALTY
CONSTRUCTION BRANDS, INC. t/a TEC; KEMPER
CASUALTY INSURANCE COMPANY d/b/a KEMPER
INSURANCE COMPANY; GREAT AMERICAN
INSURANCE COMPANY; NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA.;
UNITED STATES FIRE INSURANCE COMPANY;
ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.
f/k/a COMMERCIAL UNDERWRITERS INSURANCE
COMPANY; ZURICH AMERICAN INSURANCE COMPANY
d/b/a ZURICH INSURANCE COMPANY; OHIO
CASUALTY INSURANCE COMPANY d/b/a OHIO
CASUALTY GROUP; HARLEYSVILLE MUTUAL
INSURANCE COMPANY (a/k/a HARLEYSVILLE
INSURANCE COMPANY); JOHN DOES 1-20 and XYZ
CORPS. 1-20,

Fourth-Party Defendants.

07 Civ. 6915 (DLC)

ORDER

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DENISE COTE, District Judge:

By letter dated July 2, 2008, forth-party defendant National Union Fire Insurance Company of Pittsburgh, Pa. ("National Union") requests that the Court set a schedule for the filing of motions for summary judgment by National Union and other forth-party defendant insurers raising issues similar to those addressed by the Opinion issued in this action on June 25, 2008, regarding fourth-party defendant United States Fire Insurance Company's motion to dismiss (which was converted to a motion for summary judgment and granted). See Travelers Cas. & Sur. Co. v. Dormitory Authority-State of N.Y., No. 07 Civ. 6915, 2008 WL 2567784 (S.D.N.Y. June 25, 2008). It is hereby

ORDERED that any motion for summary judgment by a fourth-party defendant insurer on the ground of failure to provide timely notice of a claim shall be filed on August 8, 2008; any opposition shall be filed on September 12, 2008; any reply shall be filed on September 19, 2008.

IT IS FURTHER ORDERED that any other motion for summary judgment in this action shall be filed on June 5, 2009; any opposition shall be filed on June 26, 2009; any reply shall be filed on July 10, 2009.

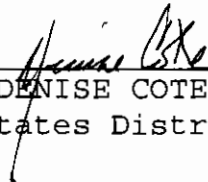
IT IS FURTHER ORDERED that counsel for Travelers Casualty and Surety Company and Trataros Construction, Inc., shall, in consultation with the coordinating attorneys identified in the

letter of March 6, 2008, inform the Court by letter on June 5, 2009, regarding which parties are filing summary judgment motions on that date.

IT IS FURTHER ORDERED that at the time any reply is served, the moving party shall supply two courtesy copies of all motion papers to Chambers by delivering them to the Courthouse Mailroom, 8th Floor, United States Courthouse, 500 Pearl Street, New York, New York.

SO ORDERED:

Dated: New York, New York
July 14, 2008



DENISE COTE
United States District Judge